

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AVEN H. COTTON,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 16-00492-KD-B
MICHAEL ONDERDONK, et al.,	:	
Defendants.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and no objection having been filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 (b)(1)(B) is **ADOPTED** as the opinion of this Court, as follows:

The Court declines to adopt the recommendation that the action be dismissed without prejudice for lack of standing; and

The Court adopts the alternative recommendation that the *Heck*-barred claims be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915A(b)(1) and the recommendation that the remainder of the claims be dismissed without prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1).

Accordingly, it is ORDERED that this action is dismissed with prejudice as to Plaintiff's *Heck*-barred claims and dismissed without prejudice as to the remainder of his claims.

DONE this 16th day of December 2016.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE